



4. Following this Court's Decision and Order, Plaintiff requested that the Agency refund the payment. The United States Attorney ultimately referred Plaintiff's counsel to NOAA General Counsel, Alexa Cole. In response to a written request to Atty. Cole by Attorney Ouellette, see Exhibit B, Atty. Cole advised the undersigned that the Agency takes the position that the final determination of the Agency has not been vacated. Attorney Ouellette read the language of this Court's decision to Attorney Cole, who has offered no further explanation for the Agency's refusal to repay the funds.<sup>3</sup>

Plaintiff contends that unless the Agency is contemptuously refusing to comply with this Court's Decision and Order by failing to return the funds.

Where fore, Plaintiff, Frontier Fishing Corp. prays this Honorable Court:

1. Issue an order of Contempt against the Defendants.
2. Issue an order compelling return of the \$35,000 with interest.
3. Grant Plaintiff such further relief as this Court deems just and proper.

Respectfully submitted this 16th day of August, 2006

**FRONTIER FISHING CORP**

By its attorneys

/s/ Stephen M. Ouellette

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